



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

March 15, 2010

Barry A. Thom
Acting Regional Administrator
Northwest Region, National Marine Fisheries Service
National Oceanic and Atmospheric Administration
7600 Sand Point Way NE
Seattle, WA 98115

RE: EPA Comments on the NOAA Draft EIS for Allocation of Harvest Opportunity between
Sectors of the Pacific Coast Groundfish Fishery (Amendment 21),
EPA # 10-005-NOA

Dear Mr. Thom:

EPA has reviewed the above-referenced document (CEQ No. 20100017) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309 specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures, we assign a rating to the Draft Environmental Impact Statement (DEIS) based on the environmental impacts of the proposed action and the document's adequacy in meeting NEPA requirements.

This DEIS evaluates the potential impacts associated with the formal, long-term allocation of a subset of federally-managed west coast groundfish species to the limited entry trawl sectors. This program is intended to rationalize the fishery by managing the shoreside sectors under a system of individual fishing quotas, and the at-sea sectors under a system of closed harvesting cooperatives. Establishing formal allocations will provide more certainty to better support long-range planning and management efforts of the Pacific Fishery Management Council (Council) and users. It is also intended to minimize the bycatch of Pacific halibut, among other goals. The Council and the National Marine Fisheries Service considered six proposed actions and alternatives to those proposed actions in the EIS.

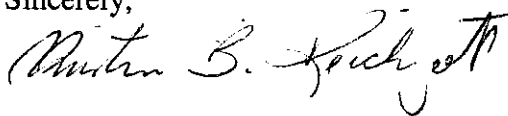
Overall we find the document to be well-organized, and the tables and graphs that are included are helpful to the reader. We do recommend, however, that an acronym list be included in the final EIS. We note that this EIS incorporates a long-term monitoring program that will disclose program results and allow for changes in management decisions in the future should the results not be what are intended. We also recognize and commend the Council for developing alternatives in collaboration with a wide variety of user and stakeholder groups, including tribal fishery scientists. We believe that the Preferred Alternatives balance the appropriate environmental, socioeconomic and management considerations. In general we support

alternatives that have the least impact to the environment and the resources that rely on the environment. We encourage the Council to continue to refine its Preferred Alternatives to further minimize impacts to the extent possible in the final EIS and Record of Decision.

We have assigned a rating of "LO" (Lack of Objections) to the Allocation of Harvest Opportunity between Sectors of the Pacific Coast Groundfish Fishery (Amendment 21) Draft EIS. A copy of EPA's rating system criteria used in conducting our environmental review is enclosed. Our rating and a copy of our comments will be published in the *Federal Register*.

Thank you for the opportunity to review and provide written comments on this DEIS. If you have any questions regarding this letter, please contact Jennifer Curtis of my staff at (907) 271-6324 or curtis.jennifer@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.